IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 27681 of 2007(U)

PETITIONER:

M/S. HAJEE P.A.., JABBAR RAWTHER &
SONS,SKIN MERCHANTS, JUMA MASJID ROAD,
TRICHUR,A PARTNERSHIP FIRM REPRESENTED BY ITS
MANAGING PARTNER, SRI ALLAVUDEEN .J.

BY ADV. SRI.E.P.GOVINDAN

RESPONDENTS:

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1. THE ASST.COMMISSIONER (ASSMT)
COMMERCIAL TAXES, SPECIAL CIRCLE,
TRICHUR.

2. DY.COMMERCIAL (APPEALS)
COMMERCIAL TAXES,ERNAKULAM.

3. STATE OF KERALA REPRESENTED BY SECRETARY
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

BY G.P. SRI.SREEKRISHNA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.27681 of 2007

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Dated this the 19th day of September, 2007.

JUDGMENT

The petitioner is challenging Ext.P5 which is a conditional order issued by the appellate authority directing payment of Rs.1 lakh as condition for stay. Even though there is no scope for interference, since counsel produced local assessment order which shows payment of purchase tax, I modify Ext.P5 by reducing the payment to rupees twenty five thousand as against Rs.1 lakh. The petitioner is granted two weeks time from today to make payment. The appellate authority is directed to take up the appeal out of turn and dispose of the same within three months from the date of making payment as above.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms